

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

WRIT PETITION NO.8735 OF 2005

Vinodkumar Premji Solanki.

...Petitioner.

Vs.

The Administrator,
Administration of Daman & Diu & Ors.

...Respondents.

....

Mr. J.P. Cama with Mr. S.R. Atre for the Petitioner.

Mr. G. K. Masant with Ms. S.R. Sawant for Respondent No.3.

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**CORAM : F. I. REBELLO AND
DR.D.Y.CHANDRACHUD, JJ.**

February 8, 2006.

P.C. (Per Dr.D. Y. Chandrachud, J.) :

The Central Administrative Tribunal has dismissed the application filed by the Petitioner questioning the validity of the selection of the Third Respondent to the post of Motor Vehicle Inspector, Grade-C by the Administration of the Union Territory of Daman and Diu. The Petitioner had applied in pursuance of an advertisement of 22nd May 2003 and, upon having been successful at the written examination he was called for the interview.

2. The only ground which has been urged on behalf of the Petitioner is that the Selection Committee which conducted

interviews was not constituted in accordance with law. That is the only point which has been canvassed in these proceedings.

3. A notification was issued on 9th December 2003 in the name of the Administrator of the Union Territory by which the Departmental Selection Committee for appointments and promotions to Grade-C posts was to consist of (i) The Finance Secretary; (ii) The Collector, Daman; (iii) The Managing Director, OIDC; iv) The Concerned Head of Office; and (v) Deputy Secretary (Personnel). The contention of the Petitioner is that on 21st July 2004 when interviews were held, the Departmental Selection Committee also included the Assistant Inspector General of Police, and it is hence submitted that the interviews and consequent selection would stand vitiated on the ground that the aforesaid official was not notified to be a part of the Committee.

4. The Tribunal has, in our view, furnished cogent reasons for rejecting the submission under challenge. In the reply that was filed before the Tribunal on behalf of the Administration, it was stated that the Administrator of the Union Territory had granted his approval to the inclusion of the Assistant Inspector General of

Police in the Selection Committee on 21st July 2004. The Tribunal has recorded a finding of fact that the interviews were in fact, held after the approval was granted. That apart, as the Tribunal noted, the Assistant Inspector General of Police was not an outsider but was a part of the Administration of the Union Territory; being the Head of the Police Force of the Administration. He was nominated as a member of the Selection Committee in order to bring a degree of transparency to the selection process. In these circumstances, the Tribunal found that there was no infirmity in the constitution of the Selection Committee. Before the Court, a faint attempt is made to suggest that the approval of the Administrator was taken after 21st July 2004. The Tribunal has repelled this submission holding that the Petitioner has not been able to produce satisfactory proof that the approval of the Administrator was given after the interviews held. No material has been produced before this Court to doubt the veracity of the statement that the approval of the Administrator was taken before the interviews. Having considered the matter, we are of the view that there is no merit in the petition. There can be no dispute about the basic proposition that a Selection Committee for conducting interviews for appointments to any post in the service of the State must be duly constituted in accordance with

law. In the present case, the approval of the Administrator was taken to the inclusion of the Assistant Inspector General of Police before the interviews were held on 21st July 2004. That the formal publication of the notification took place subsequent thereto would not vitiate the selection process. In any event, the petitioner has not demonstrated, as the Tribunal noted, that any prejudice was caused. This is not a case where the criteria for selection have been altered by the authorities concerned, after the process of selection has been initiated, as was the case before the Supreme Court in **Maharashtra State Road Transport Corporation vs. Rajendra Bhimrao Mandve**, 2002(1) ATJ 541. We find no merit in the petition. The petition is accordingly dismissed.

(F. I. Rebello, J.)

(Dr.D. Y. Chandrachud, J.)